

DPW



PATENT

Attorney Docket No.: 24122/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): James M. Dennison EXAMINER: Stashick, Anthony
SERIAL NO.: 10/821,495 GROUP ART UNIT: 3728
FILED: April 9, 2004 CONFIRMATION NO.: 1412
FOR: *RELEASEABLE ATHLETIC SHOE SOLE*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By: Marilyn R. Bogus
Marilyn R. Bogus

November 17, 2004
Date

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

Application No.: 10/821,495

Filed: April 9, 2004

Group Art Unit: 3728

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

a. X **Submitted herewith is a legible copy of (i) each *U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.**

*** Waiver**

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a. X **Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).**

b. _____ **A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:**

c. _____ **The following additional information is provided for the Examiner's consideration:**

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FEES

IV. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**
(check one box)

- a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. _____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e)below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
or
- b. X See the certification below. No fee is required.

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VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ please charge Deposit Account No. 50-0369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

X

No fee is required.

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VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

- a. _____ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b. X **Enclosed herewith is form PTO-1449.**
- c. _____ Copies of cited references are enclosed.
- d. _____ Copies of cited references are enclosed except those entered in prior application _____ filed on _____ to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- e. _____ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

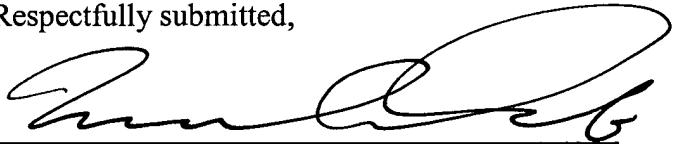
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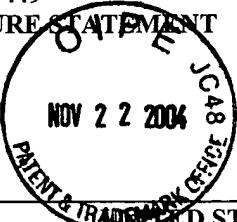
If the Examiner has any questions concerning this IDS, he is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 50-0369.

Respectfully submitted,



Dated: Nov. 17, 2004

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT 		ATTY. DOCKET NO. 24122/1		SERIAL NO. 10/821,495		
		APPLICANT(S): James M. Dennison				
		FILING DATE: April 9, 2004		ART UNIT: 3728		
UNITED STATES PATENT DOCUMENTS						
EXAM. INITIAL	DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	
	1,696,058	12/18/1928	Rubin			
	3,668,792	06/13/1972	York	36	59 R	
	3,982,336	09/28/1976	Herro	36	62	
	4,262,434	04/21/1981	Michelotti	36	67	
	4,317,294	03/02/1982	Goodyear	36	100	
	4,377,042	03/22/1983	Bauer	36	101	
	4,570,363	02/18/1986	Annovi	36	117	
	4,887,369	12/19/1989	Bailey et al.	36	101	
	4,924,608	05/15/1990	Mogonye	36	62	
	5,224,810	07/06/1993	Pitkin	36	30 R	
	5,255,453	10/26/1993	Weiss	36	134	
	5,317,822	06/07/1994	Johnson	36	101	
	5,456,027	10/10/1995	Tecchio et al.	36	134	
	5,617,653	04/08/1997	Walker et al.	36	134	
	5,644,857	07/08/1997	Ouellette et al.	36	15	
	5,685,092	11/11/1997	Prieskorn	36	93	
	5,692,322	12/02/1997	Lombardino	36	100	
	5,743,029	04/28/1998	Walker et al.	36	134	
	5,761,833	06/09/1998	McMullin	36	67 D	
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
	WO 94/16588	08/04/1994	PCT	A43B	5/00	Y
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)						
2002/0184792 A1, Sugawara, Publication Date 12/12/2002						
Examiner:				Date:		

